

03/19/01  
1c772 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

09/810490  
1c986 U.S. PTO  
03/19/01

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 08/809,562 filed on March 31, 1997, for VIRAL VECTORS AND LINE FOR GENE THERAPY, by the following named inventor(s):

- (a) Full Name Majid MEHTALI  
(b) Full Name Monika LUSKY  
(c) Full Name Karola RITTNER

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_  
(b) Full Name \_\_\_\_\_  
(c) Full Name \_\_\_\_\_

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_  
(b) Full Name \_\_\_\_\_  
(c) Full Name \_\_\_\_\_

☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

☐ Applicant(s) suggests Figure \_ for inclusion on the front page of the patent application publication and/or patent.

1. ☒ Enclosed is a copy of the prior Application No. 08/809,562 as originally filed on March 31, 1997, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims	23	MINUS 20 =	3	× \$18.00 (103) =	\$54.00
Independent Claims	2	MINUS 3 =	-0-	× \$80.00 (102) =	-0-
If multiple dependent claims are presented, add \$270.00 (104)					
Total Application Fee					\$764.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$_ if Assignment document is enclosed					
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$764.00</b>

5. ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
6. ☒ A check in the amount of \$ 764.00 is enclosed for the fee due.
7. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. ☒ Cancel in this application original claims 2-38 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
9. ☒ Amend the specification by inserting before the first line the sentence: --This application is a ☐ continuation, ☒ divisional, of Application No. 08/809,562, filed March 31, 1997.--
10. ☐ New drawings are enclosed.

11. [X] Priority of Application No. 95 08946 filed on July 24, 1995 in France, and Application No. 96/04413 filed on April 9, 1996 in France (countries) are claimed under 35 U.S.C. § 119.

[X] The certified copies of the priority application

[ ] is enclosed

[X] were filed in the International Receiving Office in PCT/FR96/01165, filed on July 24, 1996.

[ ] has not yet been filed.

12. [X] A preliminary amendment is enclosed.

13. [X] An Information Disclosure Statement is enclosed.

14. [ ] A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.

15. [X] Also enclosed Submission of Formal Drawings w/12 sheets of drawings.

16. [X] The power of attorney in the prior application is to Norman H. Stepno, and other attorneys of the firm Burns, Doane, Swecker & Mathis, L.L.P.

a. [ ] The power appears in the original papers in the prior application.

b. [ ] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. [X] Recognize as Associate Attorney Dawn M. Gardner, Reg. No. 44,118.

d. [ ] Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Norman H. Stepno

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404

Alexandria, Virginia 22313-1404

Date: March 19, 2001

By: Norman H. Stepno

Norman H. Stepno  
Registration No. 22,716

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

[ ] inventor(s)

[ ] assignee of complete interest

[X] attorney or agent of record

[ ] filed under 37 C.F.R. § 1.34(a)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	Attention: <b>DRAFTING BRANCH</b>
	)	
MEHTALI et al.	)	
	)	Group Art Unit: Unassigned
Application No.: Unassigned	)	
	)	Examiner: Unassigned
Filed: March 19, 2001	)	
	)	
For: VIRAL VECTORS AND LINE FOR	)	
GENE THERAPY	)	
	)	
	)	

**SUBMISSION OF FORMAL DRAWINGS**

**Box Issue Fee**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

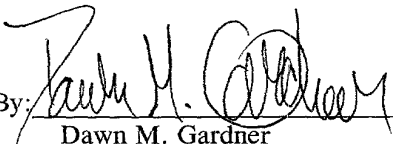
**ATTN: OFFICIAL DRAFTSMAN**

Sir:

Enclosed please find 12 (twelve) sheet(s) of formal drawings for review by the Patent and Trademark Office. Should the enclosed drawings require changes, it is respectfully requested that the Patent and Trademark Office notify the undersigned of same.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:   
Dawn M. Gardner  
Registration No. 44,118

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: March 19, 2001